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Mr. Kenneth Rukavian  
City of Rosemead  
8838 E. Valley Blvd.  
Rosemead, CA 91770

## CONDITIONAL CERTIFICATION FOR PROPOSED GARVEY AVENUE BRIDGE RECONSTRUCTION OVER THE RIO HONDO CHANNEL PROJECT (Corps' Project No. 2003-00922-JLB), RIO HONDO, CITY OF ROSEMEAD, LOS ANGELES COUNTY (File No. 03-080)

Dear Mr. Rukavina:

Regional Board staff has reviewed your request on behalf of City of Rosemead for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 9, 2003.

I hereby certify that any discharge from Garvey Avenue Bridge Reconstruction over the Rio Hondo Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits. Finally, this certification does not foreclose the imposition of appropriate penalties for failure to obtain this certification prior to commencement of work.

Should you have questions concerning this certification action, please contact Ms. Parvaneh Khayat, Section 401 Program, at (213) 576-5733.

[Original Signed By]

October 7, 2003

Dennis A. Dickerson  
Executive Officer

Date

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\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



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## ATTACHMENT A

### Project Information

File No. **03-080**

1. Applicant: City of Rosemead  
Ken Rukavina, P.E. City Engineer  
8838 E. Valley Blvd.  
Rosemead, CA 91770  
  
Phone: (626) 569-2100 ext. 150 Fax: (626) 307-9218
2. Applicant's Agent: Ken Taylor, P.E.  
Division Manager  
Willdan  
27042 Towne Centre Drive, Suite 270  
Foothill Ranch, CA 92610  
  
Phone: (949) 470-8844 Fax: (949) 770-9041
3. Project Name: Garvey Avenue Bridge Reconstruction over the Rio Hondo Channel
4. Project Location: The project is located along Garvey Avenue between stations 392+67 and 402+00, at the conjunction of the Cities of Rosemead, El Monte and South El Monte, in Los Angeles County, California, where Garvey Avenue crosses the Rio Hondo Channel.  
  
San Bernardino Meridian  
Section 30, Township 1 South, Range 11 West  
  
Westerly Limit Longitude: 118W° 4' 17"; Latitude: 34N° 3' 46"  
Easterly Limit Longitude: 118W° 4' 0"; Latitude: 34N° 3' 46"  
Northerly Limit Longitude: 118W° 4' 4"; Latitude: 34N° 3' 47"  
Southerly Limit Longitude: 118W° 4' 8"; Latitude: 34N° 3' 45"
5. Type of Project: Bridge Reconstruction

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### Project Information File No. 03-080

#### 6. Project Description:

##### *Purpose:*

The purpose of the Garvey Avenue Bridge Reconstruction over the Rio Hondo Channel project is to widen the existing bridge. This will help to improve an eastern access to the City of Rosemead, south of the San Bernardino Freeway, that can operate at a reasonable Level of Service (LOS), is structurally sound, and safe for both vehicles and pedestrians.

##### *Description:*

The existing channel is concrete lined within the limits of the proposed project. Demolition of existing bridge, reconstruction of new bridge including pile installation and new bridge piers, removal and reconstruction of portions of channel lining and levee maintenance roads, construction of street improvements, street lighting and traffic control.

The proposed bridge would be 100 feet wide, within the existing right-of-way, and be joined to the existing approach roadway approximately 170 feet on the east side and 340 feet on the west side of the bridge. It will accommodate a 76-foot wide roadway and two 11-foot wide sidewalks. The roadway consists of a 10-foot center median, four 11-foot traffic lanes and an 11-foot shoulder at each side.

The replacement bridge will be shortened to approximately 420-foot long, or the width of the Channel. Retaining walls or slopes would be required to support the approaching roadway to the bridge abutments at both ends. The number of piers in the Channel would be reduced from five to three, resulting in a total thickness of piers less than that of the existing bridge. This improves the hydraulic characteristics of the Channel. All bridge improvements will involve the removal of existing concrete and their replacement with new concrete structures in approximately the same locations.

The project also involves improvements to the Channel. The proposed project involves the relocation of the existing equestrian trail currently on the landward side of the west levee. The equestrian trail would be located within the Channel passing under the new bridge structure similar to existing maintenance road/bike trail on the easterly levee. The necessary Channel improvements

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### Project Information File No. 03-080

are dependent on the extent of the proposed bridge improvements (i.e. locations of the bridge abutments in relation to each levee and the location of the proposed piers for the bridge within the Channel). Although the exact improvements to the Channel are not yet known, it is estimated that the extent of the work would be limited to 400 feet upstream and downstream of the existing Garvey Avenue Bridge.

- |  |  |
|--|--|
| 7. Federal Agency/Permit:  | U.S. Army Corps of Engineers<br>NWP No. 03 (Permit No. 2003-00922-JLB)   |
| 8. Other Required Regulatory Approvals:                              | None   |
| 9. California Environmental Quality Act (CEQA) Compliance:           | The City Council of the City of Rosemead approved the project's Negative Declaration on July 23, 2003  |
| 10. Receiving Water:   | Rio Hondo, an ephemeral drainage tributary to Los Angeles River (Hydrologic Unit No. 405.41)   |
| 11. Designated Beneficial Uses:                                      | MUN, GWR, REC-1, REC-2, WARM, WILD, RARE, WET  |
| 12. Impacted Waters of the United States:                            | Non-wetland waters (unvegetated streambed): 1.7746 acres (temporary)   |
| 13. Dredge Volume:   | None   |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.   |
| 15. Avoidance/Minimization Activities:                               | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none"><li>• Work within the channel shall not be allowed between October 15 to April 15.</li></ul> |

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- The contractor will be required to provide a low flow diversion plan as part of the construction staging plan for the construction of the bridge improvements and channel reconstruction.

All appropriate BMP's will be implements with regards to construction activities, including but not limited to, designated concrete truck wash-out locations, construction equipment exits, erosion control measures such as sand bags, silt fences, storm drain inlet protection.

16. Proposed  
Compensatory  
Mitigation:

The Applicant has not proposed any compensatory mitigation in order to compensate for the impacts of this project, and this agency will not require any.

17. Required  
Compensatory  
Mitigation:

*See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.*

## ATTACHMENT B

### Conditions of Certification File No. 03-080

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.

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### Conditions of Certification File No. 03-080

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. Application of pesticides must be done by a certified applicator and compounds used must be appropriate to the target species and habitat. All pesticides directed to species that are located in water must be permitted through the Regional Board. As per State Water Resources Control Board Water Quality Order no. 2001-12-DWQ, a Notice of Intent for a National Pollutant Discharge Elimination System (NPDES) is the appropriate permit for water based pesticide application. Pesticide use is granted only per conditions and prescriptions delineated in the certification Maintenance Plan dated October 17, 2000 or any subsequently approved plan that follows.
9. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
10. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the



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Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

11. All activities not included in this certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional certification action.
12. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
13. The Applicant shall restore all TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
14. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board when finalized.
15. The Applicant shall submit Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project area. Additionally, the Applicant shall submit a site description, including dimensions of project areas, and pre and post- project photographs

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16. The project proponent shall submit an **Annual Report** by **May 1 each year**. The report shall describe in detail all of the project activities actually performed during the previous year within the project area. This report shall include as a minimum, the following documentation:
  - (a) Color aerial and representative cross-section photo documentation of the pre- and post-project conditions within each waterbody impacted by the project organized in an easy to interpret format;
  - (b) The overall status of project including a detailed schedule of work;
  - (c) Copies of all permits revised as required in Additional Condition 1;
  - (d) A certified statement from the permittee or his/her representative that all conditions of this certification have been met.
17. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1<sup>st</sup>** of each year documenting all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative pre and post photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved.
18. All applications, reports, or information submitted to the Regional Board shall be signed::
  - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
  - (b) For a partnership, by a general partner;
  - (c) For a sole proprietorship, by the proprietor;
  - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
19. A certified statement from the permittee or his/her representative that all conditions of this certification have been met.
20. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

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### Conditions of Certification File No. 03-080

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed they system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)”

21. The Applicant shall submit a copy of their Best Management Practices Manual to this Regional Board **prior to any discharge into waters of the United States.**
22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **03-080**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
23. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification.
24. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
25. The project shall comply with the local regulations associated with the Regional Board’s **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
26. The Applicant or their agents shall report any noncompliance, which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware

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### Conditions of Certification File No. 03-080

of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

#### 27. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
  - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
28. This certification shall expire **five (5) years** from the date of signature. The Applicant may request a renewal of this certification 180 days prior to its termination if the project as described has not been completed. Renewals may be granted in **five-year (5-year)** increments, are subject to additional filing fees, and will require Regional Board approval. If the Applicant fails to request a renewal prior to the certification's expiration, then the Applicant shall submit a new application and appropriate filing fees.